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Paper No. 10

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In re Patent No. 6,839,416 B1
Issue Date: January 4, 2005
Application No. 09/643,315
Filed: August 21, 2000
Patentee: Shaffer

OFFICE OF PETITIONS
ON PETITION

The above-captioned patent has been referred to this office in view of the petition captioned as filed under 37 CFR 1.181 on July 18, 2006, asking that the USPTO correct the claims as printed in the above-identified patent.

The petition is **dismissed, without prejudice to an appropriate renewal before the appropriate USPTO office as indicated infra.**

Petitioner requests that the instant patent be "reprinted" such that the patent reflect the Examiner's Amendment of May 18, 2004.

However, the Office of Petitions and 37 CFR 1.181 are not appropriately invoked in this matter. See MPEP 1485. Requests for Certificates of Correction are filed under 37 CFR 1.322 and are forwarded to the Certificate of Correction Branch of the Office of Patent Publication, not the Office of Petitions, which simply does not have jurisdiction of the matter. The determination as to whether an error has been made, the responsibility for the error, if any, and whether the error is of such a nature as to justify the issuance of a Certificate of Correction will be made by the Certificate of Correction Branch, not the Office of Petitions. If a report is necessary in making such determination, the case will be forwarded to the appropriate group with a request that the report be furnished. It is further noted that it is solely up to the discretion of the Certificate of Correction Branch as to how any alleged error will be corrected in the patent *i.e.*, whether a Certificate of Correction, or a reprint, will be selected as the appropriate remedy. See 37 CFR 1.324(b); MPEP 1480.

Moreover, petitioner is urged, in any forthcoming request under 37 CFR 1.322, to submit the text of the correction on a special Certificate of Correction form, PTO/SB/44 (also referred to as Form PTO-1050), which can serve as the camera copy for use in direct offset printing of the Certificate of Correction. The location of the error in the printed patent should be identified on form PTO/SB/44 by column and line number or claim and line number. See MPEP § 1485 for a discussion of the preparation and submission of a request for a Certificate of Correction. The instant communication lacks the PTO/SB/44, and the location of the error(s) in the printed patent by column or claim and line number.

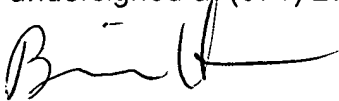
Certificate of Correction Branch may be contacted telephonically at 703-305-8309 and by facsimile at 703-308-6672.

A formal request for a Certificate of Correction should be addressed to:

ATTN: Certificate of Correction Branch
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This patented file is being returned to the Files Repository.

Telephone inquiries related to this communication should be directed to the undersigned at (571) 272-3217.

A handwritten signature in black ink, appearing to read 'Brian Hearn', with a stylized flourish at the end.

Brian Hearn
Petitions Examiner
Office of Petitions